IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VP RACING FUELS, INC.,	§	
	§	
Plaintiff,	§	SA-23-CV-01371-JKP
	§	
vs.	§	
	§	
BOOMI, LP,	§	
	§	
Defendant.	§	

ORDER

Before the Court in the above-styled cause of action is Defendant's Motion to Transfer Venue [#6]. By its motion, Defendant asks the Court to transfer this case to the District of Delaware pursuant to 28 U.S.C. § 1404(a) based on a venue clause in the governing contract mandating disputes between the parties be handled in the state and federal courts of New Castle County, Delaware. Under this Court's Local Rules, Plaintiff's response to the motion was due on or before December 26, 2023. W.D. Tex. Loc. R. CV-7(d). Plaintiff failed to respond by the deadline prescribed by the Local Rules, and the Court ordered Plaintiff to show cause on or before January 16, 2024, why the motion should not be granted as unopposed [#9]. The Show Cause Order warned Plaintiff that if Plaintiff failed to respond to the Order the Court would grant the motion as unopposed pursuant to Local Rule CV-7(d) or Plaintiff's claims could be subject to dismissal for failure to prosecute and comply with a court order pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Plaintiff did not respond to the Show Cause Order by January 16, 2024. Instead, Plaintiff filed a motion for leave to file an answer to Defendant's Counterclaim [#10]. The motion did not

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reference the Court's Show Cause Order or acknowledge the expiration of the deadline to show cause. Accordingly, the Court will grant the motion to transfer venue as unopposed. The transferee court will address Plaintiff's motion for leave upon receipt of this case.

IT IS HEREBY ORDERED that Defendant's Motion to Transfer Venue [#6] is **GRANTED AS UNOPPOSED**.

IT IS FURTHER ORDERED that this case is hereby **TRANSFERRED** to the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 1404(a).

SIGNED this 22nd day of January, 2024.

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ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE